Marijuana and Workers Compensation

Christy Thiems, CPCU, AIC, AIM, ARM, AIS
Senior Director, Workers Compensation
May 17, 2019
State / Federal Conflict

- Marijuana is classified as a Schedule I drug
  - Use and sale violates federal law
    - This includes companies doing business with or paying for medical marijuana
  - Federal studies focus on abuse / addiction
    - This has limited studies on medicinal use

- Safe Harbor
  - Historically the federal handling of this issue has varied by administration
  - A safe harbor to do business in states where marijuana is legal would provide certainty
Legalization – Insurer Concerns

- APCIA members have a number of concerns that arise from the legalization of marijuana
  - **Auto**: Lack of scientific impairment standard; stronger safety standards and enforcement; increased awareness
  - **General Liability/Property**: Collateral exposure, criminal liability
  - **Workers Compensation**: Required reimbursement; drug-free workplace; research on efficacy
Reimbursing for Medical Marijuana

• Federal / State Conflict
• State Approaches Vary
  – Some states exclude reimbursement under medical marijuana statute
  – Most guidance is coming from the courts
Medical Marijuana as Treatment

• Limited Scientific Research
  – Recommendations are based on anecdotal evidence
• Physician Recommends, Does Not Prescribe
• Significant Variances in Purity and Potency
• High Quality Scientific Study Needed
Drug-Free Workplace / Workplace Safety

• Potential for Increased Use
• Lack of an Objective Impairment Standard
  – Blood concentration does not correlate with impairment
• More Scientific Research is Needed
Comprehensive Marijuana Policy

• Oppose reimbursement mandates
• Support Federal safe harbor
• Support impairment research
• Oppose state coverage mandates
• Support employer right to drug free workplaces
• Support strongest marijuana best practices
• Support strong law enforcement standards
• Promote awareness and education